

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CYNTHIA BERRY,)	
)	No. 06 C 3640
Plaintiff,)	
)	Judge Conlon
v.)	
)	Magistrate Judge Mason
CHICAGO TRANSIT AUTHORITY,)	
PHILLIP CARMICHAEL, and)	
EARL MARSHALL,)	
)	
Defendants.)	

**MOTION TO ENTER JUDGMENT AGAINST DEFENDANT EARL MARSHALL AND TO ASSESS
DAMAGES**

NOW COMES THE PLAINTIFF, CYNTHIA BERRY, through her attorney, Armand L. Andry, and submits the following as her motion for judgment against Defendant EARL MARSHALL and to assess damages of \$50,000.00 compensatory damages and \$100,000.00 punitive damages and in support thereof would state the following:

1. Plaintiff filed her complaint against Defendants on July 7, 2006 alleging, *inter alia*, claims for intentional infliction of emotional distress against Defendant EARL MARSHALL. (See Docket entry #1)
2. Defendant EARL MARSHALL was served by the Cook County Sheriff on September 27, 2006. (See Docket entry # 14)
3. Defendant EARL MARSHALL failed to answer the complaint and a default was entered against defendant on October 16, 2006. (See Docket entry # 33)
4. Defendant EARL MARSHALL filed a *pro se* appearance on October 16, 2006. (See Docket entry # 18)
5. Defendant EARL MARSHALL filed a motion to vacate the default on November 9, 2006. (See Docket entry # 26)
6. The motion to vacate was denied on November 16, 2006. (See Docket entry # 34)
7. Plaintiff submitted requests to admit to Defendant EARL MARSHALL on October 18, 2006. (See attached exhibit one, Request to admit to Defendant EARL MARSHALL)
8. Defendant EARL MARSHALL failed to timely respond to the requests. (See Docket entry # 34)
9. The requests to admit support claims of Intentional infliction of emotional distress by Defendant.

10. As a result of the actions by Defendant MARSHALL, Plaintiff has been unable to work since January 24, 2006 and has required physical and psychological treatment. (See attached exhibit two, Plaintiff's answers to Defendant CTA's interrogatories.)
11. Plaintiff has been severely damaged by the actions of Defendant EARL MARSHALL resulting in lost wages, severe emotional distress and physical injury.
12. Plaintiff seeks entry of Judgment against Defendant EARL MARSHALL.
13. Plaintiff seeks damages from Defendant EARL MARSHALL in the amount of \$50,000.00 compensatory damages and \$100,000.00 punitive damages.

WHEREFORE, PLAINTIFF PARYS FOR ENTRY OF JUDGMENT AGAINST DEFENDANT EARL MARSHALL AND DAMAGES IN THE AMOUNT OF \$50,000.00 COMPENSATORY DAMAGES AND \$100,000.00 PUNITIVE DAMAGES.

Respectfully Submitted,

/s/ Armand L. Andry

Armand L. Andry

ARMAND L. ANDRY
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